

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JARED J. GROGAN,

Plaintiff,

-v-

No. 20-CV-3345-LTS-OTW

NEW YORK UNIVERSITY et al,

ORDER

Defendants.

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ORDER DENYING REPORT AND RECOMMENDATION

Before the Court is Plaintiff's request for an extension of time to review the docket and to object to the Report and Recommendation of Magistrate Judge Wang, dated December 9, 2022. (Docket entry no. 76 (the "Report").) As explained in the Report, Judge Wang granted Plaintiff's counsel's motion to withdraw on November 2, 2022, after Plaintiff fell out of contact with his attorneys. (Docket entry no 75.) Judge Wang also ordered Plaintiff to file a letter informing the Court whether he intends to retain new counsel, or whether he intends to proceed pro se (and in which case, to inform the Court of his current address). (Id.) After more than a month passed with no communications from Plaintiff, Judge Wang filed the Report recommending that this action be dismissed for failure to prosecute. As clearly stated in the Report, the deadline for Plaintiff to file an objection to that Report was 14 days after its issuance—but Plaintiff failed to file a timely objection.

Instead, five days after the objection deadline had passed, the Court received a letter from Plaintiff stating that his "correspondences are not reaching the Court," and stating that he submitted a change of address form to the Court in October 2022. (Docket entry no. 77, at 1.) Plaintiff also stated that he has recently been hospitalized and is suffering from various medical

issues, and requested “a continuance of no less than 30 days to receive and review all relevant materials since the withdrawal of counsel” at his new mailing address. (Id. at 2.) Defendants oppose Plaintiff’s request, asserting that Plaintiff should not be given an extension of time and that they would suffer prejudice should this case be further prolonged. (Docket entry no. 78.)

Because of Plaintiff’s pro se status and his health issues, at this juncture the Court declines to adopt¹ Judge Wang’s recommendation that this case be dismissed for failure to prosecute. The Court excuses Plaintiff’s late satisfaction of Judge Wang’s November 2022 order directing him to update his address (docket entry no. 75).

Chambers will mail all court-issued docket filings made in this case since September 2022 (as well as a copy of the docket) to Plaintiff’s new reported address – 2130A N Forgeus Ave, Tuscon, AZ 85716.

Defendants are directed to mail to Plaintiff’s new address copies of all filings made by Defendants in this case since September 2022. This Order resolves docket entry no. 76. This case remains referred to Magistrate Judge Wang for general pre-trial management.

SO ORDERED.

Dated: New York, New York
January 5, 2023

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

¹ When reviewing a report and recommendation, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Further “[i]t is well established that a court is ordinarily obligated to afford a special solicitude to pro se litigants.” Tracy v. Freshwater, 623 F.3d 90, 101 (2d Cir. 2010).